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DORSET COUNCIL - WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 10 SEPTEMBER 2020

A recording of the meeting can be found on the committee page by using the following link:- [Link to committee page](#)

Present: Cllrs Mike Barron, Dave Bolwell, Kelvin Clayton, Susan Cocking, Jean Dunseith, Nick Ireland, Louie O'Leary, David Shortell (Chairman), Sarah Williams, Kate Wheller and John Worth.

Also present: Cllr David Walsh (Portfolio Holder – Planning)

Officers present (for all or part of the meeting):

Ann Collins (Area Manager – Western and Southern Team), Philip Crowther (Legal Business Partner - Regulatory), Lindsay Ffello (Planning Officer), Colin Graham (Engineer (Development Liaison) Highways), Jo Riley (Senior Planning Officer), Allison Sharpe (Business Support Officer), Emma Telford (Senior Planning Officer) and Denise Hunt (Democratic Services Officer).

1. Apologies

An apology for absence was received from Cllr Bill Pipe.

2. Declarations of Interest

The following declarations were made at the meeting:-

Councillor Kate Wheller declared a non-pecuniary interest in Application WD/D/20/01009 - Harbourmaster Compound, Harbourmaster's Yard, Ozone Terrace, Lyme Regis as she was Chairman of the Harbours Committee at the time the application was made. She confirmed that she had not been involved with or predetermined this application.

Councillor Louie O'Leary declared an interest in Application WD/D/20/01009 - Harbourmaster Compound, Harbourmaster's Yard, Ozone Terrace, Lyme Regis as a member of the Harbours Committee. He confirmed that he had no prior involvement with this application.

Councillor Sarah Williams declared an interest in Application WD/D/20/01009 - Harbourmaster Compound, Harbourmaster's Yard, Ozone Terrace, Lyme Regis as a member of the Harbours Committee. She confirmed that she had not been involved with or predetermined this application.

Councillor Susan Cocking declared that she had objected to Application WP/20/00306/OBL - Redundant Buildings, Broadcroft, Quarry, Bumpers Lane, Portland, DT5 1HY Portland when it was considered by Portland Town Council Planning Committee and had therefore predetermined the application. She would therefore not take part in the debate or vote on this application.

Councillor Kate Wheller declared that she had been a member of the former Weymouth & Portland Borough Council Planning Committee when Application WP/20/00306/OBL - Redundant Buildings, Broadcroft, Quarry, Bumpers Lane, Portland, DT5 1HY Portland had been discussed and that she would consider the application with an open mind.

3. **Minutes**

The minutes of the meetings held on 12 and 13 August 2020 were confirmed and signed subject to the deletion of an apology by Councillor Louie O'Leary at the meeting on 12 August 2020. Councillor O'Leary confirmed that he had been present at the start of the meeting, but had to leave due to technical difficulties.

4. **Public Participation**

Representations by the public to the Committee on individual planning applications are detailed below. There were no questions, petitions or deputations received on other items on this occasion.

5. **Planning Applications**

Members considered written reports submitted on planning applications as set out below.

6. **WD/D/20/01009 - Harbourmaster Compound, Harbourmaster's Yard, Ozone Terrace, Lyme Regis**

The Committee considered a Dorset Council application for the erection of a Harbourmaster and fisherman's store.

The Senior Planning Officer presented the application that included a location plan, site plan, aerial photo and photos of the yard in relation to the surrounding buildings as well as separation from the properties in Ozone Terrace by the road.

The proposed building was just inside the Conservation Area boundary that included Ozone Terrace. Comments had been received from the Conservation Officer in relation to the impact of the proposal on the surrounding area.

Materials had been changed to natural slate, cedarwood boarding, Portland stone plinth, timber side doors and metal roller shutter doors in order to house equipment such as the JCB.

The key planning points were highlighted including:-

- within DDB
- need for Harbour Master - economy
- support for fisherman and leisure
- visual impact
- impact on listed building and Conservation Area
- neighbouring amenity

It was considered that the application was in the public interest as providing storage for the Harbour Master, fishermen and visitors.

There were no impacts on neighbouring amenity in terms of loss of outlook or light and the Committee was reminded that protection of views towards the harbour was not a material planning consideration.

Three written representations were received in objection to the application that were read out at the meeting and are attached as an appendix to these minutes.

In response to the comments, the Senior Planning Officer stated that no objection had been received from the Town Council and that locating the store on limited nearby land in the ownership of the Harbour Authority could be more prominent and harmful to that proposed. Furthermore, there was separation of the proposed building (which would be lower in height) from Ozone Terrace by the gardens of the dwellings, a brick wall, public toilets and electricity sub-station.

The Highways Officer outlined the reasons why there had been no objection on highways grounds, highlighting that pedestrians already used Ozone Terrace, a public right of way, due to the presence of the public toilets in the vicinity.

Prior to commencement of the debate by the Committee, Councillor David Shortell proposed that Councillor Louie O'Leary be elected as Vice-Chairman for the remainder of the meeting which was seconded by Councillor Jean Dunseith.

Decison: That Councillor Louie O'Leary be elected as Vice-Chairman for the remainder of the meeting.

Returning to the debate, Councillor Kelvin Clayton highlighted the concerns of the Conservation Officer set against the need for the building. He asked whether a full options appraisal had been undertaken for alternative sites and the extent to which those sites been appraised.

Members were informed that the report relied upon additional information that the applicant had provided in response to comments by the Conservation Officer which essentially prohibited alternative sites on the grounds of unsuitability and the costs involved. It seemed logical to put a store on a site

that was ordinarily used for storage purposes as being the most cost effective and practical option.

Other members of the committee were mindful that the right facilities were needed for a commercial working harbour to be viable and for expensive equipment to be stored and that this was an available site in the Dorset Council's ownership.

A question was also asked in relation to noise, but it was felt that an indoor storage facility would be quieter.

Proposed by Councillor Kate Wheller, seconded by Councillor John Worth.

Decision

That the application be approved subject to the conditions outlined in the appendix to these minutes.

Councillors Jean Dunseith and Nick Ireland did not take part in the vote on this application as they had been unable to listen to the whole of the officer presentation of the application due to technical difficulties.

7. **WD/D/19/001514 - West Combe, Smishops Lane, Loders, Bridport, DT6 3SA**

This application was deferred.

8. **WD/D/20/001326 - Brewery Bridge, Skilling Hill Road, Bridport**

The Committee considered a Listed Building application by Dorset Council for steelwork repairs and maintenance painting, provision of anti-bird perching coils and associated works to Brewery Bridge, a Grade II listed structure.

Members were shown a number of photos of the bridge as well as a plan of the listed brewery buildings surrounding the bridge which was outside the Conservation Area.

The Committee was informed that work had already commenced meaning that some of the conditions outlined in the report were no longer relevant. The updated conditions had been included in an update sheet circulated to members before the meeting and were also included as part of the presentation.

Proposed by Councillor Sarah Williams, seconded by Councillor Kate Wheller.

Decision: That the application be approved subject to the conditions outlined in the appendix to these minutes.

9. **WP/20/00307/ADV - Victoria Square Roundabout, Portland**

The Committee considered a retrospective application by Dorset Council for the display of a non-illuminated sign on the Victoria Square Roundabout.

Members were informed the location was just outside the Conservation Area and that Portland Town Council had objected on the grounds that it cluttered the roundabout, causing distraction and impeding ground works.

It was confirmed that the proposal was acceptable in terms of highways safety and did not have cumulative negative impact on the area due to the large size of the roundabout.

A written representation was received in support of the application that was read out at the meeting and is attached as an appendix to these minutes.

Proposed by Councillor Susan Cocking, seconded by Councillor Nick Ireland.

Decision: That the application be approved subject to the conditions outlined in the appendix to these minutes.

10. **WP/20/00306/OBL - Redundant Buildings, Broadcroft Quarry, Bumpers Lane, Portland, DT5 1HY**

Councillor Susan Cocking did not take part in the debate and vote on this application.

The Committee considered an application for the modification of planning obligations in the Section 106 Agreement dated 24 June 2015 on original planning approval WP/14/00330/OUT.

The Senior Planning Officer presented the application, advising that the development had commenced with some dwellings already being marketed on the site.

The Section 106 Agreement required 25% as affordable housing which amounted to 17.75 affordable units and this application sought to remove that obligation due to some abnormal costs not anticipated in relation to contaminated soil and asbestos remediation work that has already been incurred. The District Valuer Service had independently assessed the viability of the scheme and had also agreed that it was not financially viable.

Although the scheme did not provide affordable homes, it provided a mix of properties that included smaller units.

The Committee expressed concern and a degree of disbelief that professional builders had been surprised by unexpected costs on the site and that allowances should have been made for this in the original proposal. They considered that the open market value of the properties was not affordable when taking into account the average salary of people living in the area.

Councillor Kate Wheller proposed that the application be refused on the basis that contaminated soils could have been predicted by the developer and that the open market value prices listed in the table were not affordable given

salaries of those living on Portland. Councillor Kelvin Clayton seconded the proposal.

The Solicitor stated that if the application was refused the applicant had a right of appeal to the Secretary of State through the Planning Inspectorate with the usual cost consequences if the reasons for refusal were not justified. He advised members that the report from the District Valuer Service, which was independent from both the developer and Council, had reached a conclusion on viability.

The consideration should be that this proposal delivered housing, including a number of units towards the lower end of market housing and that there should be sound reasons for refusing this application.

A vote was taken to refuse the application which was lost.

Councillor John Worth proposed that the application be approved which was seconded by Councillor David Shortell.

Decision: That authority be delegated to the nominated officer to modify the S106 agreement dated 24 June 2015, as varied by deeds of modification dated 28 November 2016 to:

- Remove affordable housing obligations

Councillor Jean Dunseith did not vote on this application as she had been unable to listen to the whole of the officer's presentation due to technical difficulties.

11. Urgent items

There were no urgent items.

12. Update Sheet

Application Ref.	Address	Agenda ref.	Page no.
WD/D/20/001009	Harbour Masers Open compound, Harbour Masers Yard, Ozone Terrace, Lyme Regis	5a	49-58
Update(s): It has been brought to the attention of the case officer that the reference number at the top of the report is incorrect. It should read WD/D/20/01009.			
WD/D/20/001326	BREWERY BRIDGE, SKILLING HILL ROAD, BRIDPORT	5c	77-84
Update(s): It has been brought to the attention of the case officer that the proposed work has in fact been started, therefore some of the recommended planning conditions are now not relevant, therefore it is recommended that the proposed conditions are as follows;			

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan, Drawing Number BS0035_606_1, received 03rd June 2020
Surface Preparation & Painting, Drawing Number BS0035_609, received 03rd June 2020
Steelwork repairs (Listed Building Consent), Drawing Number BS0035_608, received 03rd June 2020.

REASON: For the avoidance of doubt and in the interests of proper planning.

2. The historic metal balustrading shall be painted using the following colours;
Green (BS4800 14 C 39) for the Girders
Black (BS4800 00 E 53) for the Parapets
Red (BS4800 04 E 53) for the Parapet roundels

REASON: To safeguard the significance of the heritage asset

3. All top coat paint shall be of a semi-gloss or matt finish.

REASON: To safeguard the significance of the heritage asset.

4. The proposed Anti-bird perching coils hereby approved shall in appearance accord with those shown in the photographs submitted via email dated 7th September 2020 unless otherwise first agreed in writing by the Local Planning Authority.

REASON: To safeguard the significance of the heritage asset.

Duration of meeting: 10.00 am - 12.15 pm

Chairman

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Western & Southern Area Planning Committee - 10 September 2020

Written Submissions

WD/D/20/01009 - Harbourmaster Compound, Harbourmaster's Yard, Ozone Terrace, Lyme Regis

Dr Michael Howse

Good Morning. Thank you for hearing my statement.

As an occupant of 6 Ozone Terrace, the neighbouring property most affected by the application, I object strongly to the proposal to erect a very large, hideous, industrial building directly in front of our property. Before you think "Well he would object, wouldn't he!", you should be aware, following your guidelines, that there are a number of serious planning issues, in addition to its effect on Ozone Terrace, that render this application totally unacceptable.

This large store will have a very damaging impact on the character of the area, turning a unique conservation area into an industrial setting and blocking views of the special asset, Ozone Terrace. There have been no industrial buildings in this site for over 140 years. Today, it is essentially a car park.

The external design and appearance of the new building is unacceptable and suffers from the problem of making a large industrial store presentable. It is totally out of keeping with the appearance of Ozone Terrace, the nearby Grade 2 listed Custom House and the immediately adjacent classic, stone, toilet block.

I have already alluded to the effect of the development on neighbouring properties and specifically in our case, 6 Ozone Terrace. The new building would clearly affect our light and block our outlook. Working all hours, it would introduce a noisy industrial facility, including a very large industrial refrigerator, all badly impacting on the wellbeing of the residents of the properties nearby.

There is clearly an issue of highway safety as vehicles leaving the store are blind to vehicles coming east along the busy Monmouth Beach Road. There is no evidence your Highways Department has considered this problem.

The erection of this monstrous building would be against the Council's statutory responsibility at least to preserve and, whenever possible, to enhance the appearance and character of Conservation Areas, (Planning, Listed Buildings and Conservation, Act 1990). Also, it would be contrary to the policy stated in the West Dorset Local Plan which vows to protect the character and natural beauty of this area.

I hope you do not mind me observing that this planning application at this site would have been totally unnecessary if Dorset Council and Lyme Regis Town Council, could have found a way of keeping the Harbourmaster's store in its existing location in the industrial area at the west end of Monmouth Beach, outside the conservation area. Thus, in my view, Lyme Regis Town Council is a conflicted consultee.

Consequently, from my previous comments, there are a number of incontrovertible reasons why this planning application should be refused.

Paul Anderson

Thank you for taking time to read our submission.

We object to the proposal in the strongest possible terms and it is our view that the application, which is full of inaccuracies, and is regularly misleading, should be rejected.

We agree that harbour activity should be supported, and accept that there may be a need for additional or alternative storage. We object however, to the proposal to site a large, unsightly and noisy facility in a residential and leisure based area.

The fact that the proposed site is located in the Lyme Regis Conservation Area and the Dorset Area of Outstanding Natural Beauty only strengthens our view that such a building has no place in the proposed location.

In our view the proposed development will serve to diminish, not enhance the area. The views of, and from, adjacent listed buildings and heritage assets, as well as the World Heritage Coast, will be seriously affected by any form of industrial development on the site.

The need for storage should not be allowed to ride roughshod over matters of wider importance and the Council's obligations to protect the Conservation Area, the AONB, and the World Heritage Site.

In the "supporting information" added to the planning portal on 17 August the applicant "does not accept" some of the views of the Conservation Officer. It is our view that the Conservation Officer is doing her job admirably, to guide the Planning Committee to come to a decision which takes into account the responsibility it has, not just for today but also for future generations.

The applicant "does not accept" concerns about the size of the building. The fact is that the proposal is for a large industrial building to be placed in a location where there is no evidence of previous industrial use and which is a residential and leisure area. The siting of an industrial building should not be permitted in this location and this should be the decision reached regardless of the size or form of the building.

The noise from the proposed building and the hours of use remain of great concern, as do the unanswered questions regarding the vehicular access to the site, the parking spaces and the space for turning or manoeuvring. Jeopardising road safety

where so many small children run along the road to get to the beach is a significant worry.

The site proposed for development is currently designated as a boat park and should be used as such, and not repurposed for industrial use. It must be possible to find a suitable piece of land for the required storage and an alternative site within the industrial area to the west would be more appropriate.

Karl O'Grady

Good morning and thank you for hearing my statement of objection.

In his latest submission to the Planning Officer, the Applicant has given two arguments for the location of the proposed large industrial store building. Essentially, they are that Ozone Terrace does not matter and that, as the car parks in front of Ozone Terrace are the only suitable land that Dorset Council owns in the Harbour area, the building should be allowed to be located there. From a planning viewpoint, the arguments are unsustainable.

It is sad that the Applicant has had to denigrate Ozone Terrace in order to justify siting a huge, hideous, industrial building in the area directly in front of the Terrace, part of the Conservation Area. One has to assume that Ozone Terrace was included in the conservation area because it was an asset worth preserving. Since it was placed in a conservation area, all changes made to the properties are subject to strict planning requirements to ensure the asset is maintained. For example, recently one owner was refused permission to put decking in the front garden. It would be completely illogical to refuse changes such as decking to properties on Ozone Terrace but allow a hideous industrial store right in front of it.

The Applicant has criticised the rendering on my property, 6 Ozone Terrace. This was done by a previous owner and I think before it was designated a conservation area. I believe there were building preservation reasons that made it necessary. Nevertheless, it is in keeping with the colourful terrace of properties behind Ozone and with the Custom House and the other properties nearby. The Applicant dislikes the blue colour of my property and suggests his hideous building would be beneficial by blocking peoples view of 6 Ozone Terrace. What colour would you like it to be if this prevents a huge building in front of my property?

Hundreds of visitors every year who take pictures of Ozone Terrace think it is a special asset. It is and it should be protected and not harmed by the imposition of this huge store.

The argument for locating the building in this car park, as it is the only land that Dorset Council owns, is weak. It implies, I hope wrongly, that Dorset Council will put the building there because it can, irrespective of the effect on neighbouring properties and the character of the area.

If the two arguments are supported, then it would be logical to allow building on the adjacent car parks, thereby blocking the whole of Ozone Terrace. How horrendous would that be?

Please Committee, save that special asset that is Ozone Terrace.

WP/20/00307/ADV - Victoria Square Roundabout, Portland

Sue Gaunt - Community Committee Chairman, Rotary Club

I would like to put forward the reasons for the erection, and the keeping of the sign welcoming people to the The Rotary club of Island & Royal Manor of Portland, similar to the Rotary sign in Weymouth welcoming people to Weymouth. This is on the Preston Road.

We raise a lot of money for local charities and clubs on the Island. We are not asking for donations, we just want the world to know that we are here to help. We assist at most local events and we enjoy helping out.

The sign is surely a benefit to the local community and visitors showing Portland to be a welcoming community.

The position of the sign was decreed by Dorset Council, we asked for a welcoming sign to be placed at the entrance to Portland.

I hope you'll consider all these facts and agree that The Rotary Club of Island & Royal Manor of Portland is a valuable asset to the Island.

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APPLICATION NUMBER: WD/D/20/000253

APPLICATION SITE: Harbour Masters Open Compound, Harbourmasters Yard,
Ozone terrace, Lyme Regis

PROPOSAL: Erection of Harbourmaster and Fishermans Store

DECISION: Grant permission subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Location plan, site plan, floor plan, elevation 3926-01E
Section Plan/comparison plan 3926-02C

REASON: For the avoidance of doubt and in the interests of proper planning.

3. No development beyond foundation level shall be commenced until details or samples of all external facing materials for the wall(s) and roof(s) shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, unless otherwise agreed in writing by the Local Planning Authority the development shall proceed in strict accordance with such materials as have been agreed.

REASON: To ensure a satisfactory visual appearance of the development in the Conservation Area.

4. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175.

Should any contamination be found requiring remediation, a remediation scheme shall be submitted to and approved by the Local Planning Authority. The approved remediation scheme shall be carried out to a timescale to be first agreed with the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted which is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure risks from contamination are minimised.

5. The building hereby approved shall be used for Harbour Master storage/ WC and fisherman's store only and for no other storage purpose (including any other use in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

REASON: The Council considers an unrestricted Class B use may not be compatible with the living conditions of surrounding residential properties.

APPLICATION NUMBER: WD/D/20/001326

APPLICATION SITE: Brewery Bridge, Skilling Hill Road, Bridport

PROPOSAL: Steelwork repairs and maintenance painting, provision of anti bird perching coils and associated works.

DECISION: Approve subject to the following conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan, Drawing Number BS0035_606_1, received 03rd June 2020

Surface Preparation & Painting, Drawing Number BS0035_609, received 03rd June 2020

Steelwork repairs (Listed Building Consent), Drawing Number BS0035_608, received 03rd June 2020.

REASON: For the avoidance of doubt and in the interests of proper planning.

2. The historic metal balustrading shall be painted using the following colours;

Green (BS4800 14 C 39) for the Girders

Black (BS4800 00 E 53) for the Parapets

Red (BS4800 04 E 53) for the Parapet roundels

REASON: To safeguard the significance of the heritage asset

3. All top coat paint shall be of a semi-gloss or matt finish.

REASON: To safeguard the significance of the heritage asset.

4. The proposed Anti-bird perching coils hereby approved shall in appearance accord with those shown in the photographs submitted via email dated 7th September 2020 unless otherwise first agreed in writing by the Local Planning Authority.

REASON: To safeguard the significance of the heritage asset.

APPLICATION NUMBER: WP/20/00307/ADV

APPLICATION SITE: Victoria Square Roundabout, Portland

PROPOSAL: Display of non-illuminated sign (retrospective).

DECISION: Grant subject to the following conditions:-

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: In accordance with Article 14(1)(a) and Schedule 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: In accordance with Article 14(1)(a) and Schedule 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: In accordance with Article 14(1)(a) and Schedule 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In accordance with Article 14(1)(a) and Schedule 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan, received 18th May 2020

Proposed Signage, Drawing Number SK001, received 17th June 2020

Reason: For the avoidance of doubt and in the interests of proper planning.

APPLICATION NUMBER: WP/20/00306/OBL

APPLICATION SITE: Redundant Buildings, Broadcroft Quarry, Bumpers Lane,
Portland DT5 1HY

PROPOSAL: Modification of planning obligations on Section 106 Agreement dated
24th June 2015 (original planning approval WP/14/00330/OUT).

DECISION: Delegate authority to the nominated officer to modify the S106 agreement
dated 24th June 2015, as varied by deeds of modification dated 28 November 2016 to:

- Remove affordable housing obligations

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